

Town of Goshen

Driveway Regulations

1. Authority

These regulations are adopted by the Goshen Planning Board under the authority of New Hampshire RSA 236:13 – 236:14. They govern the construction and alteration of driveways, entrances, exits, and approaches within the limits of the right-of-way of town-maintained highways.

For access to property located on a state highway, a driveway permit must be obtained from the New Hampshire Department of Transportation.

2. Purpose

The purpose of these regulations is to maintain compliance with RSA 236:13 and to ensure that driveways in the Town of Goshen are designed, constructed, and maintained in a way that provides the maximum safety and protection to the traveling public and in a way that protects and maintains the serviceability of affected highways.

3. Permit Required

No person shall construct or establish any new driveway, or shall modify, reconfigure, or relocate an existing driveway in any manner which affects the area within the public highway right-of-way with respect to location, width, grade, entrance, exit, approach, drainage, or associated structures, without first obtaining a driveway permit from the Goshen Road Agent. Any application for a driveway permit shall be made on an application form provided by the Planning Board. The Road Agent or Planning Board may require additional information or plans, depending on the location and design of the driveway. No building permits will be issued prior to obtaining a driveway permit and construction of a driveway.

4. Permit Contents, and Standards for New Driveways

The contents of all driveway permits, and the location, dimension, and construction standards required for all new driveways, shall, unless a waiver is granted under Section 17 below, “Waivers,” conform to RSA 236:13. In addition, the following provisions shall apply:

- A. Residential Driveways. All new residential driveways that serve not more than two residences shall conform to the procedures, requirements, and standards set forth in these regulations.
- B. Major Entrances. All new major entrances shall conform to the procedures, requirements, and standards for major entrances set forth in the document “*Policy for the Permitting of Driveways and Other Accesses to the State Highway System*” as adopted by the NH Department of Transportation (NHDOT) on March 10, 2000, or any amendments thereto, (hereinafter “DOT Policy”), except to any extent that the DOT Policy is inconsistent with

these regulations or with any other ordinance or regulation of the Town of Goshen. All references to the “District Engineer” in the DOT Policy shall be deemed to refer to the Goshen Road Agent.

5. Modifications of Existing Driveways

For an existing driveway which does not comply with these regulations (or, in the case of major entrances, with the DOT Policy), but which did comply with standards in effect at the time of construction, the owner of property served may modify, reconfigure, or relocate that driveway without bringing it into compliance, so long as the use of the property served is not being changed in a significant way. In such cases the Road Agent shall issue a permit upon a finding that the modified driveway protects and enhances the public interests served by these regulations to at least the same degree as the driveway prior to modification.

6. Permits for Temporary Driveways

There are a variety of situations where a driveway is necessary to alleviate a temporary need to cross a right-of-way. Logging operations, utility maintenance, and commercial or residential constructions are examples. In addition to the standards for permanent driveways, the following regulations apply to temporary driveways:

- A. Temporary Permit. A temporary permit with a stipulated time limit is required for all temporary driveways. A temporary permit shall be valid for no more than six months; however, upon written request, the Road Agent may extend the permit for an additional six months.
- B. Safety Requirements. To ensure safety of the permittee and the traveling public, the Road Agent may state on the temporary permit that the use of flaggers, signs, cones, and other traffic control devices are required.
- C. Signage. If signs are required for safety considerations, the signs are to be maintained by the permittee for quality and effectiveness, as determined by the Road Agent. If the operation is suspended for 30 or more days, the signs must be removed by the permittee; the signs must be reinstalled when operations begin again.
- D. Logging Operations. A permit and a bond shall be required. Exceptions to the permitting and bonding requirements may be granted if the access is through an existing permitted drive that can safely handle the trucking.
- E. Construction Operations. For operations requiring construction vehicles or other heavy vehicles, these operations shall be treated in the same manner as logging operations whenever the driveway is temporary in nature.
- F. Utility Maintenance. Routine utility maintenance or service may be conducted within the right-of-way without a written permit and without any bonding requirement.
- G. Limitation on Number of Driveways. No more than one temporary driveway shall be permitted to access a single parcel of land or lot of record.

7. Application Procedures

Any person wishing to construct or alter a driveway shall apply for a permit as follows:

- A. The applicant shall obtain a “Town of Goshen Application for Driveway Permit” form from the Goshen Town Office.
- B. After completing the application form, the applicant shall submit the form to the Road Agent at the Goshen Town Office, together with the required map, any other required attachments. The required fee shall be paid to the Town Clerk at this time.
- C. The Road Agent shall examine a submitted application within a reasonable period, not to exceed 60 days, and will notify the applicant of any additional documents or information that is required to classify the application as “complete.”
- D. In the case of a major entrance, the applicant shall submit a conceptual design plan prior to submitting detailed design plans for the complete application. A preliminary review of the submitted information shall be conducted by both the Planning Board and the Road Agent, the purpose of which is to minimize engineering costs to applicants through the identification of engineering concerns and discussion of strategies to resolve such concerns.
- E. The Road Agent shall review the completed application and any supporting documents or information, and shall issue a driveway permit or deny the application within a reasonable time, not to exceed 120 days. This review period shall begin at the time that the application is complete, and shall not include the time necessary for a preliminary review or for additional requested information to be provided by the applicant.

8. Contents of Applications for Driveway Permits

All applications for driveway permits shall be printed legibly or typewritten on the application form obtained from the Goshen Town Office. Complete applications shall contain the following:

- A. Name, telephone number, and mailing address of the property owner.
- B. Name, telephone number, and mailing address of the contact person, if different from the property owner.
- C. Street address, Tax Map, and Lot Number of the property to be served by the driveway.
- D. Indication of whether the property to be served is under consideration by the Planning Board or the Zoning Board of Adjustment for a subdivision, variance, or special exception. If yes, the applicant shall provide a copy of the subdivision plan or application that was submitted to the local land use board. This requirement includes the affirmative duty to submit a copy of any revised plan or plans that are filed with the local land use board on or before the date of issuance of the driveway permit.

- E. Number of driveways requested.
- F. Type of driveway proposed, its anticipated use, and whether it will serve more than one living unit or use.
- G. Indication of whether any state or federal approvals or permits are required.
- H. Indication of whether a stone wall will be breached by the construction.
- I. Specification of whether construction will be for a new permanent driveway, a new temporary driveway, or an alteration to an existing driveway.
- J. For an existing driveway, a description of the proposed alterations.
- K. Description, including dimensions, of any culverts, other drainage structures, and traffic control devices to be constructed, and also the depth of fill over any culverts.
- L. Signature of the property owner; or a letter of authorization signed by the property owner authorizing another person to sign the application.
- M. Date the application is signed.
- N. A map or sketch of the proposed driveway and surrounding property shall be attached the application form. It shall include the following information:
 - 1. Diagram of the property and adjacent highway, indicating north arrow.
 - 2. Length of frontage of the property along the highway.
 - 3. Location of existing and proposed driveways for the property.
 - 4. Property boundaries that are within one hundred feet (100') of the driveway.
 - 5. Location of other driveways, state and town highways, town lines, and other readily identifiable features or landmarks within one hundred feet (100') of the driveway on both sides of the road.
 - 6. Diagram that shows the shape and width of the driveway from its intersection with the travel surface of the highway to a distance twenty feet (20') back from the travel surface of the highway. The flare of the driveway at the edge of the highway travel surface should be shown.
 - 7. Proposed surfacing (asphalt, crushed gravel, etc.).
 - 8. Location and dimensions of the driveway's paved apron, if any.

9. Grade(s), or slopes, of the driveway.
 10. Length of sight distances in both directions along the highway
 11. Location and nature of any visual obstructions to the required sight lines in both directions.
 12. Location and diagram of any culverts, ditches, other drainage structures, and traffic control devices to be installed.
 13. Location of any stone wall to be breached by the construction, and the width of the proposed breach.
 14. Location and nature of any barriers to be constructed to prevent access at points other than the approved driveway.
- O. If the Road Agent determines that the proposed use will create a “major entrance,” the Road Agent and the Planning Board shall require the submission of additional information before evaluating the proposed driveway. The requirements for this information are as stated in the section “Application for Driveway Permit to Major Entrances” in the DOT Policy.

The Road Agent or Planning Board may require the preparation of plans by an engineer or a surveyor if they deem such plans necessary.

Failure of the applicant to supply the information and the map requested shall be sufficient grounds for denial of the application.

9. Limitations on Number of Permanent Driveways

If an application is made for more than one permanent driveway to serve a single parcel of land or lot of record from a single highway, the following provisions shall apply:

- A. There shall be no more than one driveway access to a single parcel of land or lot of record unless the need for multiple accesses can be demonstrated. The Planning Board may require a common access to be used, for reasons of safety and topographical considerations.
- B. No more than one driveway shall be permitted unless there is all-season safe sight distance in both directions along the highway. If the all-season safe sight distance cannot be obtained, a single driveway may be located at the safest point as determined by the Road Agent, provided that it is not an unreasonable hazard to the traveling public.
- C. When frontage along the highway is five hundred feet (500') or less, no more than two driveways shall be permitted. However, all-season safe sight distance shall be maintained for all driveways, and there shall be no other significant safety risks to the traveling public.

- D. Except as provided in paragraphs (B) and (C) above, when frontage on a single parcel of land or lot of record does exceed five hundred feet (500'), no more than three driveways or accesses shall be permitted.

10. Driveways Standards

Standards for major entrances are specified in the DOT Policy.

Standards for residential driveways are as follows:

- A. The driveway shall have a minimum travel surface width of ten feet (10') at the driveway's intersection with the travel surface of the highway and for a distance of fifteen feet (15') back from the highway travel surface. In addition to this width, the driveway entrance may be flared as it approaches the highway. If conditions do not allow the minimum width of ten feet, the Road Agent may approve a driveway of narrower width, provided that it is at least eight feet (8') wide. However, in all cases the driveway shall be wide enough to accommodate emergency vehicles.
- B. In addition to the minimum travel surface width for a driveway, a no-obstruction zone five feet (5') wide shall be provided on each side of the driveway for a distance of fifteen feet (15') back from the highway travel surface.
- C. The driveway shall have a maximum travel surface width of fifteen feet (15') at the driveway's intersection with the travel surface of the highway and for a distance of fifteen feet (15') back from the highway travel surface, except where the driveway flares at its junction with the highway travel surface.
- D. No part of a driveway, including its flare, shall be sited within five feet (5') of a property line.
- E. A driveway shall not access a highway within 50 feet (50') of the intersection of that highway with another highway. The Road Agent may lower this requirement only if evaluation of sight distance, parcel size, or other relevant safety considerations warrant such modification. In no case shall a driveway encroach upon the curved section of the corner at which two highways intersect.
- F. The intersection of the center line of a driveway with the travel surface of a highway should form an angle as close as is practicable to 90 degrees. In no case shall the angle be less than 60 degrees unless the driveway is a right-turn-only one-way drive.
- G. The grade of the driveway away from the highway surface shall be constructed to slope down and away from the highway surface for a distance equivalent to the existing ditch line. This slope shall be a minimum of one-quarter inch per foot.
- H. The Road Agent shall consider other relevant factors, including the slope of the highway cross-section, when approving driveway grades.

- I. Slopes on either side of a driveway shall be gradual enough to minimize the hazard to a vehicle leaving the town-maintained highway for any reason.
- J. Driveways that access paved highways must have a paved apron for the width of the approved driveway and for a depth of fifteen feet (15') to protect the highway edge.
- K. All access to the property must be attained through a permitted driveway. Other access to the premises shall be prevented by construction of a barrier or barriers, such as a grass plot, low hedge, or fence.

11. Drainage

To allow for adequate driveway and highway drainage, the following provisions shall be met:

- A. A driveway shall not interfere with the natural or ditch line flow of drainage water.
- B. In no case shall the permitted construction cause water to stand (pond) on the highway travel surface or shoulders or within the limits of the right-of-way.
- C. Where necessary, culverts, ditches, and other drainage structures shall be installed to insure adequate highway drainage and to prevent drainage from the driveway onto the highway.
- D. In cases where property development increases drainage runoff, such that existing structures in the highway are rendered inadequate or the increased runoff rate results in an impairment of design capacity, the applicant shall be required to provide improvements to drainage structures to accommodate that increased water runoff, and to secure drainage rights downstream.
- E. All drainage structures to be used in connection with driveway construction shall be specified on the permit, and all drainage structures shall be installed as specified. The type of material, strength, length, size, and cover required over drainage structures shall be in conformance with specifications of the New Hampshire Department of Transportation.
- F. In the absence of a well-defined ditch, a shallow depression or swale, when approved by the Road Agent, is considered to be a drainage structure as specified in the above paragraph. This swale shall be constructed beyond the edge of the shoulder to accommodate drainage and the storage of snow.
- G. The applicant shall be responsible for restoration of any damage within the right-of-way and will seed and fertilize and/or rip-rap as soon as possible after construction to prevent erosion and to prevent runoff water from entering the highway.

12. Stone Walls

In accordance with RSA 472:6, no stone wall or other boundary marker which is located along the boundary of a public highway shall be breached by the construction or establishment of a driveway unless specifically authorized by a permit issued under these regulations. The permit shall specify the width of any authorized breach.

13. "Dig Safe"

It shall be the responsibility of the owner or owner's agent to give notice under RSA 374:51 to the Underground Utility Damage Prevention System, commonly referred to as "Dig Safe," prior to performing any work under these regulations.

14. Approval of a Permit

- A. The Planning Board authorizes the Road Agent to approve a driveway construction permit if, after inspecting the site, he determines that the application and supporting information demonstrate compliance with these regulations.
- B. A driveway permit shall be issued in writing to the applicant, and it shall contain the following information:
 - 1. Name of person to whom the permit is issued and permit number
 - 2. Amount of fee paid and date paid
 - 3. Specific location of the permitted driveway
 - 4. Number of driveways permitted
 - 5. Any additional conditions or specifications deemed necessary by the Road Agent
 - 6. Signature of the Road Agent
 - 7. Date of issuance of the permit
- C. A driveway permit shall be denied if the applicant fails to submit information required by the Road Agent or Planning Board, or if the proposed driveway will cause an unreasonable hazard to the traveling public. If the application is denied, written notification shall be sent to the applicant stating the reason for denial.

15. Construction and Costs

Failure to complete construction of an approved driveway within one calendar year from the date of issue of the permit shall render the permit null and void.

Facilities constructed in violation of permit conditions shall be corrected immediately upon notification of the Road Agent or the costs of removing said facility shall be fully borne by the owner.

As a condition of the permit, the applicant, or its grantees, successors, or assigns, shall be required to construct or to pay for the cost of all driveway construction and alterations and any associated modifications that are made to the town-maintained highway and other affected property. Any highway disturbed during the construction of a driveway shall be restored to the satisfaction of the Road Agent.

In addition, the Planning Board or the Road Agent may, at their discretion, require professional review and/or inspection services for driveway planning and/or construction. These services shall be borne by the property owner/applicant.

16. Performance Bond

The Planning Board or the Road Agent may require the applicant to file a bond or letter of credit in an amount sufficient to cover the cost of the construction of that portion of the driveway within the right-of-way of the highway, including the required culverts, ditches, and other drainage structures, and to cover the cost of repairing public highways disturbed by the construction. All bonds or letters of credit shall be for 110% to 150% of the estimated cost of the necessary construction and repair.

17. Waivers

The Planning Board may, upon the recommendation of the Road Agent, waive or modify the substantive provisions of these regulations, if consistent with the interests of public safety and welfare. The Planning Board shall provide written justification for all waivers granted.

18. Fees

Driveway permit fees shall be collected in accordance with the fee schedule established by the Town of Goshen. It shall be the responsibility of the Town Clerk to collect the fees.

19. Filing Requirements

- A. A copy of every permit issued under these regulations shall be placed in the Town's file pertaining to the public highway involved.
- B. The Road Agent or Planning Board may require the applicant to record the permit, and any easement deeds received, at the applicant's own expense, in the Sullivan County Registry of Deeds in order to provide notice to the public of special conditions attached to the permitted driveway.

20. Continuing Owner Responsibility

All owners of property served by a driveway shall have a continuing duty, including financial responsibility, for keeping and maintaining that driveway, and any grades, culverts, or other structures appurtenant to it, on an ongoing basis, in such a condition that the adequate and safe function of the public highway, and of the driveway, are not adversely affected. This provision applies whether or not the driveway was constructed or installed pursuant to a permit under these regulations.

21. Corrective Order

- A. Whenever, by reason of siltation, flooding, erosion, frost action, vegetative growth, or the failure of any culvert, traffic control device, drainage structure, or any other feature, any driveway becomes a potential threat to the integrity of the public highway or its surfaces, ditches, embankments, bridges, or other structures, or a hazard to the safety of highway or driveway users, the Road Agent may issue an order to the owner or owners of property served, or the owner's agent, to repair or remove the threat or hazard.
- B. The order shall describe the threat or hazard, shall describe what corrective action is required, may set forth a time within which the owner or owner's agent must submit for approval a plan for the repair, alteration, or other work, and shall set forth a time within which the corrective action shall be completed. The order shall be sent by certified mail.
- C. If the order is not complied with within the time prescribed, the Road Agent may cause the repair, alteration, or other corrective action to be completed by the Town. As set forth in RSA 236:13, VI, the owner or owner's agent shall be liable for the Town's full costs in taking such action.
- D. If the Road Agent determines that the issuance of an order under this section would create unnecessary delay in correcting an imminent threat or hazard, or would otherwise be contrary to the public interest, he or she may cause the repair or other action to be taken by the Town without issuing an order. The owner of property served, or owner's agent, shall nonetheless be responsible under RSA 236:14 for the cost of restoring the highway.
- E. Nothing in these regulations prevents the Town from making an agreement with an owner concerning a particular driveway, including, but not limited to, an agreement for the Town to perform repairs at an owner's expense. However, no such agreement shall release an owner from future compliance with the duty set forth in Section 20 above, "Continuing Owner Responsibility."

22. Appeals

Any decision of the Road Agent with respect to a permit, order, or waiver under these regulations may be appealed in writing to the Planning Board by any person directly affected. The procedures for notice and hearing of such an appeal shall be the same procedures utilized for minor lot line adjustments, as set forth in RSA 676:4, I(e). If the appeal pertains to a corrective order, the appeal must be filed prior to the deadline for corrective action set forth in the order. Any person aggrieved by the decision of the Planning Board upon an appeal under this section may appeal to the Superior Court under RSA 677:15.

23. Enforcement and Penalties

In accord with RSA 236:14, any person who violates these regulations, or any condition or specification of a permit or order issued under these regulations, shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person; and, in addition, shall be liable for the cost of restoration of the highway to a condition satisfactory to the Road Agent. The

Town may take any appropriate enforcement action to prevent unlawful construction, to recover damages, or to restrain, correct, or abate a violation.

24. Notice to Property Owners/Applicants

The Town of Goshen Driveway Regulations address the standards and specifications for the intersection of a driveway and a highway within the limits of the highway right-of-way. These regulations do not apply to that part of the driveway that extends beyond the highway right-of-way.

However, the Town wishes to notify property owners that, in designing and constructing a driveway beyond the limits of the highway right-of-way, due consideration should be given to the fact that emergency vehicles generally are not able to access driveways that exceed a grade of fifteen percent (15%) or that have curves with an inside radius of less than twenty-two and one-half feet (22.5')

It is solely the property owner's responsibility if emergency vehicles are not able to access the site.

25. Definitions

Terms in these regulations shall be interpreted consistently with similar terms in the DOT Policy, the Goshen Zoning Ordinance, and the Goshen Subdivision Regulations. In addition, the following terms are defined.

Driveway. A location used, or modified for use, as a site for vehicular access onto a Class IV, V or VI public highway from any land which is not a public highway. It includes any entrance, exit, or approach, all areas or structures within the limits of the highway right-of-way which are used or modified for driveway purposes, and any portions of the abutting non-highway land whose use for driveway purposes may affect the function or safety of the public highway or of the driveway area within the highway right-of-way. The term includes all driveways, whether or not established under a permit issued by the Town, whether established before or after the adoption of these regulations, and whether established before or after the highway became a public highway.

Major Entrance. A driveway entrance that serves more than two residences, subdivision, or any commercial or industrial establishment.

No-Obstruction Zone. An area on each side of a driveway that is cleared of trees, fences, walls, signs, and other obstructions. The purpose is to provide clearance for emergency vehicles which may need to access the lot, as well as to provide for drainage and snow removal.

Property Served. The property served by a driveway means any property to which that driveway is appurtenant, including the property abutting the highway at the driveway access point, as well as any other property for which that driveway provides an access for vehicles parked or stored on that property.

Public Highway. A highway as defined by RSA 229:1, and as further set forth by the common law of New Hampshire, and includes the entire right-of-way in addition to the traveled way.

Residential Driveway. A driveway that serves one dwelling, or a driveway that serves two parcels, which is called a “common driveway.”

Right-of-Way Line. The boundary between the highway right-of-way and the abutting parcel of land.

Safe Sight Distance. A line which encounters no visual obstruction between two points, each at a height of 3 feet 9 inches (3’9”) above the travel surface, and so located as to represent the critical line of sight between the operator of a vehicle using the access and the operator of a vehicle approaching from either direction. The typical safe sight distance is ten times the speed limit posted on the highway (for example, for a speed limit of 25 mph, the safe sight distance is 250 feet; for 35 mph, it is 350 feet).

Structures. Any and all features appurtenant to the driveway, including, but not limited to, surfacing, ditches, culverts, headers, swales, pipes, grates, catch basins, retaining walls, and traffic control devices.

Travel Surface or Traveled Way. That portion of the public highway which is used for vehicular travel, or which has been improved with a surface suitable for travel, not including shoulders or ditches. For paved highways, the edge of the travel surface or traveled way shall be considered the edge of the pavement.